

*Approved
4/15/2025*

**NUTLEY ZONING BOARD OF ADJUSTMENT
Public Session Meeting Minutes
May 19, 2025**

CALL TO ORDER: A meeting of the Nutley Zoning Board of Adjustment was called to order at approximately 7:30 p.m. by Chairman Frank Graziano. The Pledge of Allegiance was recited. Roll was called and the Sunshine Notice was read.

PRESENT: Robin LePre, Theresa Duva, Daniel Fragnals John Cafone, Marc Calicchio, Yvette Wallace, Patricia Doherty, Gregory Tolve, Daniel Tolve, Chairman Graziano, Diana Powell McGovern Esq.

EXCUSED: Lorraine Castro

ABSENT:

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No. 1. 144 Whitford Avenue – Approved 7-0

Applicant: Ehab Mersal and Nadia Pasquale, 144 Whitford Avenue, Nutley, NJ 07110

Application: Your request for a permit at the above referenced premises to modify the existing condition from the Zoning Board resolution (#6, the fence will align with the rear of the house), which was approved on January 22, 2024, requires Zoning Board approval. Please see attached the survey approved by the Zoning Board of Adjustment, labeled A5 and the survey received by Code Enforcement on May 7, 2025.

Appearances: Ehab Mersal and Nadia Pasquale

Letter of Denial: Letter of Denial was read Patricia Doherty

John Cafone recuses himself.

The Zoning Board of Adjustment approved a pool and a front yard fence on the corner property. The resolution was memorialized on February 12, 2024, with conditions (see attached). The applicant is proposing to modify condition #6 for the position of the fence.

Mrs. Pasquale states she would like to modify her variance for the safety of her children. She states that her son has autism and is nonverbal and she would really like to enclose a larger yard for the children to play in safely. A portion of the fence is put up beyond where the variance stated. The fence was approved in a way where it would be aligned directly with the neighbor's fence. Chairman Graziano states that they may be able to move the fence but not the point the applicant is requesting. Chairman Graziano states he would be okay moving the fence 10ft forward. The board and applicant agree to vote on that plan which is outlined in exhibit A1. The applicants must maintain bushes in front of the fence.

With no further questions or concerns a motion to grant the variance was made by Yvette Wallace and was seconded by Greg Tolve. The board approves this motion by a vote of 7-0.

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No. 2. 139 Columbia Avenue – Approved 6-0

Applicant: Chris and Jane Souza, 139 Columbia Avenue, Nutley, NJ 07110

Application: Your request for a permit, at the above referenced premises, to install an inground pool, having a four (4') foot yard setback and to install pavers around the pool, which will increase the maximum impervious coverage to 80% and the rear yard coverage to 34%, as shown on the property survey by Arthur F. Mead, Jr. dated June 13, 1986

Appearances: Chris Souza

Letter of Denial: Letter of Denial was read by Patricia Doherty

John Cafone returns

Chairman Graziano Recuses himself, Daniel Tolve is acting Chair

Chapter 700, Article V, Section 700-9 D (2) of the Codes of Nutley states the pool shall be no closer than eight feet to any side or rear lot line; or nearer to the side street line of a corner lot than the main building on the lot; or if the abutting lot to the rear faces said street line, then the distance equal to the depth of the front yard required on said lot to the rear. However, in no case shall a swimming pool on a corner lot be required to be set back more than 25 feet from a side street.

Chapter 700, Article VIII, Section 700-46 A, the Schedule of Regulations requires the following in an R-1 zoning district.

Impervious Coverage	Proposed
70%	80%

Chapter 700, Article XI, Section 700-67 A of the Codes of Nutley states detached accessory buildings and accessory uses may occupy in the aggregate an area not to exceed 30% of the area of any rear yard. The height of a detached accessory building shall be one story not to exceed 14 feet. The proposed will be 34%.

Chapter 700, Article XI, Section 700-67 E (3) of the Codes of Nutley states decks and patios must meet the following minimum setback requirements of Table 1.

Chris Souza states that he would like to install a pool in his yard that will be 4' off the rear property line and 12' away from the house. The pool will be 6' from the rear yard fence. The dry well between the pool and the garage will help drainage and prevent potential flooding. Based on the layout of the property the board agrees that the proposed position of the pool makes the most sense.

With no further questions or concerns a motion to grant this variance was made by Theresa Duva and was seconded by Greg Tolve. The motion was approved by a vote of 7-0.

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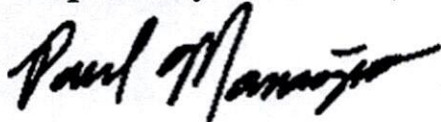
Bill: Secretary Fee \$150

Public Comment : None.

Resolutions: 9 Shephard Place, 33 Jefferson Street, 51 Albany Ave, 279 Washington Ave,
495 Harrison

**NOTE: THE PROCEEDINGS IN THIS MATTER WERE VOICE RECORDED.
THE RECITAL OF FACTS IN THE MINUTES IS NOT INTENDED TO BE ALL-
INCLUSIVE, BUT IS A SUMMARY AND HIGHLIGHT OF THE COMPLETE
RECORD MADE BEFORE THE ZONING BOARD**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Paul Marranzino", written in a cursive style.

**Paul Marranzino
Board Secretary**